

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1595-PWS-E TCEQ ID: RN101391407 CASE NO.: 5319**  
**RESPONDENT NAME: City of Point**

Page 1 of 3

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** City of Point, 365 North Locust Street, Point, Rains County

**TYPE OF OPERATION:** Public water supply

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** A complaint was received on April 2, 2007, alleging there had been an ongoing water leak at 7111 Farm-to-Market 47. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** A complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on May 5, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** None  
**TCEQ Enforcement Coordinator:** Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5610; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  
**Respondent:** The Honorable Chase Tyndell, Mayor, City of Point, PO Box 459, Point, Texas 75472-0459  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> April 2, 2007</p> <p><b>Date of Investigation Relating to this Case:</b> August 7, 2007</p> <p><b>Date of NOE Relating to this Case:</b> September 7, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide a minimum transfer pump capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(C), TEX. HEALTH &amp; SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2001-0499-PWS-E, Ordering Provision 2.b.].</p> <p>2) Failure to design, construct, and/or maintain all tanks in strict accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8), 290.43(c)(2), and 290.43(c)(3)].</p> <p>3) Failure to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service [30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to notify the Executive Director prior to making any significant change or addition to the system's pressure facilities [30 TEX. ADMIN. CODE § 290.39(j)].</p> <p>5) Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>6) Failure to calibrate flow measuring</p>	<p><b>Total Assessed:</b> \$6,608</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$280 (remaining \$6,328 due in 23 monthly payments. The first payment shall be \$278 and the remaining 22 payments shall be \$275 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>This is a Findings Order because the Respondent had one previous Agreed Order and they had three or more repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Perform inspections of the water system's raw, finished, and backwash flow measuring devices and the Trident unit's rate-of-flow controllers and ensure the devices are properly calibrated;</p> <p>ii. Develop and maintain an up-to-date chemical and biological monitoring plan that is representative of the Facility's distribution system; and</p> <p>iii. Begin maintaining copies of CSI reports for connections where potential contaminant hazards exist.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.i. through a.iii.</p> <p>c) Within 60 days after the effective date of this Agreed Order:</p> <p>i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, remove and properly dispose of the out-of-service rusted pressure tanks at Pump Station Nos. 1 and 2; and</p> <p>ii. Begin submitting copies of the TOC report to the Water Supply Division.</p> <p>d) Within 75 days after the effective date of this Agreed Order, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or</p>

<p>devices and rate-of-flow controllers at least once every twelve months [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>7) Failure to submit total organic carbon ("TOC") reports to the TCEQ Water Supply Division by the tenth day of the month following the end of the reporting period [30 TEX. ADMIN. CODE § 290.112(e)(1)].</p> <p>8) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121].</p> <p>9) Failure to keep on file and make available for Commission review completed Customer Service Inspection ("CSI") reports. Specifically, at the time of the investigation, the water system did not make available for review copies of CSI reports for connections where a potential contaminant hazard exists [30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv)].</p>		<p>other records to demonstrate compliance with Ordering Provision c.i. and c.ii.</p> <p>e) Within 90 days after the effective date of this Agreed Order:</p> <p>i. Submit proper notification for the pressure tank that was added to the system;</p> <p>ii. Provide a minimum transfer pump capacity of 0.6 gpm per connection with the largest pump out of service;</p> <p>iii. Provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service;</p> <p>iv. Refurbish the interior and repaint the exterior of the clearwell at the water treatment plant and the ground storage tanks at Pump Station Nos. 1 and 2; and</p> <p>v. Provide roof hatches and accessible overflow pipes for all the facility's storage tanks that meet AWWA standards.</p> <p>f) Within 105 days after the effective date of this Agreed Order, submit written certification of compliance and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.i. through e.v.</p>
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Additional ID No(s): PWS ID No. 1900004





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	4-Sep-2007	Screening	12-Oct-2007	EPA Due	27-May-2008
	PCW	15-Oct-2007				

## RESPONDENT/FACILITY INFORMATION

Respondent	City of Point		
Reg. Ent. Ref. No.	RN101391407		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	5319	No. of Violations	9
Docket No.	2007-1595-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Thomas Barnett
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$4,150

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **Subtotals 2, 3, & 7** \$2,158

Notes: Enhancement recommended due to one previous Agreed Order containing a denial of liability, four NOV's with same or similar violations, and six NOV's with dissimilar violations.

**Culpability** **Subtotal 4** \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

**Subtotal 6** \$0

Total EB Amounts \$3,215  
Approx. Cost of Compliance \$17,350

0% Enhancement\*  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$6,308

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$300

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Enhancement recommended for recovery of avoided costs of compliance.

**Final Penalty Amount** \$6,608

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$6,608

**DEFERRAL** **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$6,608

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 52%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement recommended due to one previous Agreed Order containing a denial of liability, four NOVs with same or similar violations, and six NOVs with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 52%

<b>Screening Date</b> 12-Oct-2007 <b>Respondent</b> City of Point <b>Case ID No.</b> 5319 <b>Reg. Ent. Reference No.</b> RN101391407 <b>Media [Statute]</b> Public Water Supply <b>Enf. Coordinator</b> Thomas Barnett <b>Violation Number</b> <input type="text" value="1"/>	<b>Docket No.</b> 2007-1595-PWS-E <div style="text-align: right;"><b>PCW</b></div> <div style="text-align: right; font-size: small;"> Policy Revision 2 (September 2002)  PCW Revision June 26, 2007 </div>																	
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.45(b)(2)(C), Tex. Health & Safety Code § 341.0315(c), and Agreed Order Docket No. 2001-0499-PWS-E, Ordering Provision 2.b.																		
<b>Violation Description</b> Failed to provide a minimum transfer pump capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, at the time of the investigation, a total transfer pump capacity of 560 gpm was required but only 350 gpm would be provided with the largest pump out of service, which is approximately 38% deficient.																		
<b>Base Penalty</b> <input style="width: 100px;" type="text" value="\$1,000"/>																		
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OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th style="width: 15%;">Release</th> <th style="width: 15%;">Major</th> <th style="width: 15%;">Moderate</th> <th style="width: 15%;">Minor</th> <th style="width: 10%;"></th> </tr> </thead> <tbody> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> <input style="width: 50px;" type="text" value="10%"/> </td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">X</td> <td><input type="text"/></td> </tr> </tbody> </table>		Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width: 50px;" type="text" value="10%"/>	Potential	<input type="text"/>	<input type="text"/>	X	<input type="text"/>
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Matrix Notes	Without sufficient transfer pump capacity with the largest pump out of service, customers of the water system could experience water outages and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.																	
<b>Adjustment</b> <input style="width: 100px;" type="text" value="\$900"/>																		
<input style="width: 100px;" type="text" value="\$100"/>																		
<b>Violation Events</b>																		
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<b>Violation Base Penalty</b> <input style="width: 100px;" type="text" value="\$2,300"/>																		
<b>Economic Benefit (EB) for this violation</b>																		
<table style="width: 100%;"> <tr> <td style="width: 50%;">Estimated EB Amount <input style="width: 100px;" type="text" value="\$2,208"/></td> <td style="width: 50%; text-align: right;"> <b>Statutory Limit Test</b>  Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$3,662"/> </td> </tr> <tr> <td colspan="2" style="text-align: right; padding-top: 10px;"> <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$3,662"/> </td> </tr> </table>		Estimated EB Amount <input style="width: 100px;" type="text" value="\$2,208"/>	<b>Statutory Limit Test</b> Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$3,662"/>	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width: 100px;" type="text" value="\$3,662"/>														
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**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	6-Apr-2002	26-Jul-2008	6.3	\$105	\$2,103	\$2,208
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide sufficient transfer pump capacity, calculated from the effective date of Agreed Order Docket No. 2001-0449-PWS-E to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$2,208

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.43(c)(8), 290.43(c)(2), and 290.43(c)(3)

Violation Description

Failed to design, construct, and/or maintain all tanks in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, the clearwell at the water treatment plant, the ground storage tank at pump station no. 1, and the ground storage tank at pump station no. 2 had improperly sized roof hatches (with the exception of the ground storage tank at pump station no. 1), inaccessible overflow pipes, and the exterior and interior paint coatings showed signs of corrosion.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failing to maintain the tanks in strict accordance with AWWA standards could result in customers of the water supply being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 3

66 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$300

Three quarterly events are recommended (one event per tank), from the date of the investigation, August 7, 2007, to the date of screening, October 12, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$242

Violation Final Penalty Total \$478

This violation Final Assessed Penalty (adjusted for limits) \$478

**Economic Benefit Worksheet**

Respondent City of Point  
 Case ID No. 5319  
 Reg. Ent. Reference No. RN101391407  
 Media Public Water Supply  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	7-Aug-2007	26-Jul-2008	1.0	\$242	n/a	\$242

**Notes for DELAYED costs**

The delayed cost includes the amount to repair or replace the exterior and interior paint coatings for the clearwell and two ground storage tanks so that they meet AWWA standards, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$5,000

TOTAL

\$242

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(2)(A) and Tex. Health &amp; Safety Code § 341.0315(c)

Violation Description

Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically at the time of the investigation, a raw water pump capacity of 560 gpm was required but only 270 gpm would be provided with the largest pump out of service, which is approximately 52% deficient.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient raw water pump capacity with the largest pump out of service, customers of the water system could experience water outages and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.

Adjustment \$750

\$250

## Violation Events

Number of Violation Events 3

66 Number of violation days

mark only one with an x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$750

Three monthly events are recommended, from the date of the investigation, August 7, 2007, to the date of screening, October 12, 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$339

Violation Final Penalty Total \$1,194

This violation Final Assessed Penalty (adjusted for limits) \$1,194

**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	7-Aug-2007	26-Jul-2008	1.0	\$16	\$323	\$339
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide sufficient raw water pump capacity, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$339

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.39(j)

Violation Description

Failed to notify the Executive Director prior to making any significant change or addition to the system's pressure facilities. Specifically, it was noted that the 19,000 gallon pressure tank was added to the system at pump station no. 2 without providing notification to the Commission.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

66 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$159

This violation Final Assessed Penalty (adjusted for limits) \$159

**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	7-Aug-2007	26-Jul-2008	1.0	\$10	n/a	\$10
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost includes the amount to prepare and submit proper notification to the agency for the 19,000 gallon pressure tank. The date required is the date of the investigation and the final date is the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$10

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, the investigator observed rusted out-of-service pressure tanks at pump station nos. 1 and 2.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

As a result of a failure to maintain the Facility, customers of the water system could be exposed to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 2

66 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$100

Two single events are recommended, one event per location.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$159

This violation Final Assessed Penalty (adjusted for limits) \$159

**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	7-Aug-2007	26-Jun-2008	0.9	\$3	\$59	\$62
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to remove and properly dispose of old rusty pressure tanks from pump stations nos. 1 and 2, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$62

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)

Violation Description

Failed to calibrate flow measuring devices and rate-of-flow controllers at least once every twelve months. Specifically, the raw, finished, and backwash flow measuring devices and the Trident unit's rate-of-flow controllers were not inspected the twelve months preceding the date of the investigation.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

## &gt;&gt; Programmatic Matrix

	Harm		
	Major	Moderate	Minor
Falsification			

Percent 0%

Matrix Notes

Failure to calibrate the water system's measuring devices could result in inaccurate or incomplete water usage, production, and treatment data which could prevent complete and proper treatment of the water. This could cause customers of the water system to be exposed to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

## Violation Events

Number of Violation Events 4

66 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$200

Four single events (one per each piece of equipment) are recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$318

This violation Final Assessed Penalty (adjusted for limits) \$318

**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$150	7-Aug-2007	26-May-2008	0.8	\$6	n/a	\$6
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated cost to calibrate the water system's electronic raw water intake meter and three other devices, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs****ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs****Approx. Cost of Compliance****\$150****TOTAL****\$6**

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.112(e)(1)

Violation Description Failed to submit total organic carbon ("TOC") reports to the TCEQ Water Supply Division by the tenth day of the month following the end of the reporting period.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

## Violation Events

2

66

Number of violation days

mark only one  
with an x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$200

Two monthly events are recommended for August and September 2007.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$316

Violation Final Penalty Total \$318

This violation Final Assessed Penalty (adjusted for limits) \$318

**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$300	7-Aug-2007	12-Oct-2007	1.1	\$16	\$300	\$316
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount that would have been required for the system to compile and submit TOC reports, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$300

TOTAL

\$316

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.121

Violation Description Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the investigation, a monitoring plan was not available for review.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt;Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

## Violation Events

1

66 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$159

This violation Final Assessed Penalty (adjusted for limits) \$159

**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	7-Aug-2007	16-May-2008	0.8	\$19	n/a	\$19
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to prepare and begin maintaining an up-to-date monitoring plan for the distribution system, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL:

\$19

Screening Date 12-Oct-2007

Docket No. 2007-1595-PWS-E

PCW

Respondent City of Point

Policy Revision 2 (September 2002)

Case ID No. 5319

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101391407

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Barnett

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(E)(iv)

Violation Description

Failed to keep on file and make available for Commission review completed Customer Service Inspection ("CSI") reports. Specifically, at the time of the investigation, the water system failed to make available for review copies of customer service inspection reports for connections where a potential contaminant hazard exists.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

	Falsification	Major	Moderate	Minor
		X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

## Violation Events

Number of Violation Events 1

66 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$159

This violation Final Assessed Penalty (adjusted for limits) \$159

**Economic Benefit Worksheet**

**Respondent** City of Point  
**Case ID No.** 5319  
**Reg. Ent. Reference No.** RN101391407  
**Media** Public Water Supply  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	------------------------------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	7-Aug-2007	26-May-2008	0.8	\$1	\$11	\$11
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to create a record-keeping system for customer service inspections, calculated from the date of the investigation to the date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$11

# Compliance History

Customer/Respondent/Owner-Operator:	CN600681993	City of Point	Classification:	Rating:
Regulated Entity:	RN101391407	CITY OF POINT	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1900004	
	WATER LICENSING	LICENSE	1900004	
Location:	365 N LOCUST ST, POINT, TX, 75472			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	October 01, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 01, 2002 to October 01, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Thomas Barnett Phone: 713-767-3680

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/28/2006 ADMINORDER 2005-1092-PWS-E  
 Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the MCL for HAA5 in the Fourth Quarter of 2004 and the 1st quarter of 2005.  
 Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
 Description: VIOLATED THE MCL FOR HAA5 IN THE FIRST QUARTER OF 2005  
 Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the MCL for TTHM in the Third and Fourth Quarters of 2004 and the First Quarter of 2005.  
 Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 Description: Violated the MCL for TTHM in the Fourth Quarter of 2004.  
 Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
 Description: Violated the MCL for TTHM in the First Quarter of 2005.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 04/25/2003 (31210)
- 2 06/27/2003 (282925)
- 3 08/23/2004 (286799)
- 4 02/02/2005 (531597)
- 5 06/17/2005 (395515)
- 6 08/31/2005 (406498)
- 7 10/31/2005 (531659)
- 8 12/21/2005 (532076)

9 01/30/2006 (532194)  
 10 03/22/2006 (532545)  
 11 05/01/2006 (459913)  
 12 07/31/2006 (532657)  
 13 12/21/2006 (532859)  
 14 08/31/2007 (571793)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/28/2003 (31210)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(3)

Description: Failure to obtain from the commission, permits for discharging wastes from water treatment processes.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)

Description: Failure to have a acceptable backflow prevention device on the line to the chemical feed solution mixing chambers.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(D)

Description: Failure to store dry chemicals above floor level in a separate, dry above-ground level room and protect against flooding or moisture from floors, walls and ceilings.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(13)[G]

Description: Failure to provide identification of the influent, effluent, waste backwash, and chemical feed lines in the water plant by the use of labels or various colors of paint, at intervals no greater than five feet.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to initiate a maintenance program to improve the general appearance of all regulated entities and reduce costly repairs due to a lack of proper maintenance. This program should include the coating on the interior and exterior of the water treatment plant and the coating on the piping.

Date: 08/23/2004 (286799)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)(E)(ii)[G]

Description: Failure to provide adequate containment facilities for all liquid chemical storage tanks.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to initiate a maintenance program to improve the general appearance of all regulated entities and reduce costly repairs due to a lack of proper maintenance. This program should include the coating on the interior and exterior of the water treatment plant and the coating on the piping.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to provide adequate exterior and interior coatings of paint for all tanks except the 0.129 MG ground storage tank.

Date: 02/02/2005 (531597)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)

Description: Failure to collect any routine monitoring samples for 11/2004.

Date: 09/09/2005 (406498)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]

Description: Failure to initiate a maintenance program to improve the general appearance of all regulated entities and reduce costly repairs due to a lack of proper maintenance. This program should include the coating on the interior and exterior of the water treatment plant and the coating on the piping.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to provide adequate exterior and interior coatings of paint for all tanks except the 0.129 MG ground storage tank.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)[G]

Description: Floor around the chemical feed facilities has inadequate drainage.

Date: 10/31/2005 (531659)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

Description: Exceeded a maximum contaminant level (MCL) violation in 10/2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: Failure to post a PN for exceeding a maximum contaminant level (MCL) violation in 10/2005.

Date: 12/21/2005 (532076)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: Failure to collect all of the 5 distribution samples in 11/2005 following a coliform found month.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post PN for not collecting all of the 5 distribution samples in 11/2005 following a coliform found month.

Date: 01/30/2006 (532194)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

Description: Exceeded a maximum contaminant level (MCL) violation in 01/2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: Failure to post a PN for exceeding a maximum contaminant level (MCL) violation in 01/2006.

Date: 03/22/2006 (532545)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: Failure to collect all of the increased routine (5) samples in 02/2006 following a coliform found month.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post pn for not collecting all of the increased routine (5) samples in 02/2006 following a coliform found month.

Date: 07/31/2006 (532657)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: Failure to collect any repeats samples in 06/2006 following a coliform found result(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a pn for not collecting any repeats samples in 06/2006 following a coliform found result(s).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

Description: Exceeded a Maximum Contaminant Level (MCL) violation in 06/2006.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: Failure to post a pn for exceeding a Maximum Contaminant Level (MCL) violation in 06/2006.

Date: 09/25/2006 (481584)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to provide adequate exterior and interior coatings of paint for all tanks except the 0.129 MG ground storage tank.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)[G]

Description: Floor around the chemical feed facilities has inadequate drainage.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

5A THC Chapter 341, SubChapter A 341.0315[G]

Description: Failure to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(1)

30 TAC Chapter 290, SubChapter D 290.39(h)(3)

30 TAC Chapter 290, SubChapter D 290.39(h)[G]

Description: Failure to provide a copy of the TCEQ approval letter authorizing the construction of the 19,000 gallon (estimate, as no plans or specs are available for the Region's

review) pressure (hydropneumatic) tank located at Pump Station #2.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)

Description: Failure to provide a copy of the calibration records for the water system's laboratory equipment as requested in the Exit Interview Form submitted to the water system by fax on 07/31/2006.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failure to inspect all the tanks annually.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all distribution system lines in a watertight condition.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to provide a copy of the annual calibration record for the water system's electronic raw water intake meter, last calibration occurred on 04/2005.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)

Description: Failure to provide containment for all liquid chemical storage tanks. Specifically, no containment was provided for the liquid ammonia sulfate (LAS) bulk and day tanks.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)[G]

Description: Failure to provide necessary laboratory equipment for making at least the following determinations: other tests deemed necessary for monitoring specific water quality problems such as manganese (Mn) or to evaluate specific water treatment processes

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)

Description: Failure to enclose the clearwell at the water plant within an intruder-resistant fence with lockable gates.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.112(e)(1)

Description: Failure to submit total organic carbon (TOC) reports to TCEQ, Water Supply Division, MC 155, PO Box 13087, Austin, Texas 78711-3087 by the tenth day of the month following the end of the reporting period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]

Description: Failure by the regulated entity to develop and maintain an up to date system Monitoring Plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v)

Description: Failure to provide emergency power delivering water at a rate of 0.35 gallons per minute per connection to the distribution system in the event of the loss of normal power supply.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF POINT  
RN101391407**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1595-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Point ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The City owns and operates a public water supply at 365 North Locust Street in Point, Rains County, Texas (the "Facility") that has approximately 948 service connections and serves at least 25 people per day for at least 60 days per year.



2. During an investigation conducted on August 7, 2007, TCEQ staff documented that the City did not:
  - a. Provide a minimum transfer pump capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, at the time of the investigation, a total transfer pump capacity of 560 gpm was required but only 350 gpm would be provided with the largest pump out of service, which is approximately 38% deficient;
  - b. Design, construct, and/or maintain all tanks in strict accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, the clearwell at the water treatment plant, the ground storage tank at Pump Station No. 1, and the ground storage tank at Pump Station No. 2 had improperly sized roof hatches (with the exception of the ground storage tank at Pump Station No. 1), inaccessible over flow pipes, and the exterior and interior paint coatings showed signs of corrosion;
  - c. Provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically at the time of the investigation, a raw water pump capacity of 560 gpm was required but only 270 gpm would be provided with the largest pump out of service, which is approximately 52% deficient;
  - d. Notify the Executive Director prior to making any significant change or addition to the system's pressure facilities. Specifically, it was noted that the 19,000 gallon pressure tank was added to the system at Pump Station No. 2 without providing notification to the Commission;
  - e. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, the investigator observed rusted out-of-service pressure tanks at Pump Station Nos. 1 and 2;
  - f. Calibrate flow measuring devices and rate-of-flow controllers at least once every twelve months. Specifically, the raw, finished, and backwash flow measuring devices and the Trident unit's rate-of-flow controllers were not inspected the twelve months preceeding the date of the investigation;
  - g. Submit total organic carbon ("TOC") reports to the TCEQ Water Supply Division by the tenth day of the month following the end of the reporting period;
  - h. Develop and maintain an up-to-date chemical and microbiological monitoring plan. Specifically, at the time of the investigation, a monitoring plan was not available for review; and



- i. Keep on file and make available for Commission review completed Customer Service Inspection ("CSI") reports. Specifically, at the time of the investigation, the water system did not make available for review copies of CSI reports for connections where a potential contaminant hazard exists.
3. The City received notice of the violations on or about September 12, 2007.

## **II. CONCLUSIONS OF LAW**

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2.a., the City failed to provide a minimum transfer pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(C), TEX. HEALTH & SAFETY CODE § 341.0315(c) and TCEQ Agreed Order Docket No. 2001-0499-PWS-E, Ordering Provision 2.b.
3. As evidenced by Findings of Fact No. 2.b., the City failed to design, construct, and/or maintain all tanks in strict accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8), 290.43(c)(2), and 290.43(c)(3).
4. As evidenced by Findings of Fact No. 2.c., the City failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Findings of Fact No. 2.d., the City failed to notify the Executive Director prior to making any significant change or addition to the system's pressure facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j).
6. As evidenced by Findings of Fact No. 2.e., the City failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
7. As evidenced by Findings of Fact No. 2.f., the City failed to calibrate flow measuring devices and rate-of-flow controllers at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
8. As evidenced by Findings of Fact No. 2.g., the City failed to submit TOC reports to the TCEQ Water Supply Division by the tenth day of the month following the end of the reporting period, in violation of 30 TEX. ADMIN. CODE § 290.112(e)(1).
9. As evidenced by Findings of Fact No. 2.h., the City failed to develop and maintain up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121.



10. As evidenced by Findings of Fact No. 2.i., the City failed to keep on file and make available for Commission review completed CSI reports, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv).
11. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of Six Thousand Six Hundred Eight Dollars (\$6,608) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The City has paid Two Hundred Eighty Dollars (\$280) of the administrative penalty. The remaining amount of Six Thousand Three Hundred Twenty-Eight Dollars (\$6,328) of the administrative penalty shall be payable in Twenty-Three monthly payments. The first payment shall be Two Hundred Seventy-Eight Dollars (\$278) and the remaining 22 payments shall be Two Hundred Seventy-Five Dollars (\$275). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

### **III. ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Six Thousand Six Hundred Eight Dollars (\$6,608) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Point, Docket No. 2007-1595-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The City shall undertake the following technical requirements:



- a. Within 30 days after the effective date of this Agreed Order:
  - i. Perform inspections of the water system's raw, finished, and backwash flow measuring devices and the Trident unit's rate-of-flow controllers and ensure the devices are properly calibrated, in accordance with 30 TEX. ADMIN. CODE § 290.112;
  - ii. Develop and maintain an up-to-date chemical and biological monitoring plan that is representative of the Facility's distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
  - iii. Begin maintaining copies of customer service inspection reports for connections where potential contaminant hazards exist, as required by 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described in Ordering Provision No. 2.f. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i. through 2.a.iii.
- c. Within 60 days after the effective date of this Agreed Order:
  - i. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment in accordance with 30 TEX. ADMIN. CODE § 290.46. Specifically, remove and properly dispose of the out-of-service rusted pressure tanks at Pump Station Nos. 1 and 2; and
  - ii. Begin submitting copies of the TOC report to the Water Supply Division, in accordance with 30 TEX. ADMIN. CODE § 290.46. The reports shall be submitted to:

Technical Review and Oversight Team  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance as described in Ordering Provision No. 2.f. and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.i. and 2.c.ii.
- e. Within 90 days after the effective date of this Agreed Order:



- i. Submit proper notification for the pressure tank that was added to the system, in accordance with 30 TEX. ADMIN. CODE § 290.39. The notification, plans, and reports shall be submitted to:

Technical Review and Oversight Team  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- ii. Provide a minimum transfer pump capacity of 0.6 gpm per connection with the largest pump out of service, as required by 30 TEX. ADMIN. CODE § 290.45;
  - iii. Provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service, as required by 30 TEX ADMIN. CODE § 290.45;
  - iv. Refurbish the interior and repaint the exterior of the clearwell at the water treatment plant and the ground storage tanks at Pump Station Nos. 1 and 2, in accordance with 30 TEX ADMIN. CODE § 290.43; and
  - v. Provide roof hatches and accessible overflow pipes for all the facility's storage tanks that meet AWWA standards, in accordance with 30 TEX ADMIN. CODE § 290.43.
- f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.i. through 2.e.v. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:



Water Section, Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

5/11/2008  
Date

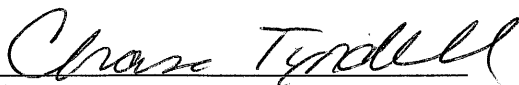
I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Point. I am authorized to agree to the attached Agreed Order on behalf of City of Point, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, City of Point waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

2-4-08  
Date

Chase Tyndell  
Name (Printed or typed)  
Authorized Representative of  
City of Point

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

